# REMARKS

This application has been reviewed in light of the Final Office Action mailed on February 20, 2009. Claims 1-15, 19-20, and 22 are pending in the application with Claims 1, 19, 20, and 22 being in independent form. By the present amendment, Claims 1-5, 19, 20, and 22 have been amended. Claims 16-18, 21, and 23 have been previously cancelled. The claims were also amended for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or replace European-style claim phraseology with American-style claim language. No new matter is added.

Claim 20 was objected to because of informalities. Specifically, the Examiner stated that the term "computer-readable medium" should be changed to "machine-readable medium." Applicant has amended Claim 20 in accordance with the Examiner's request. Applicant therefore respectfully requests that the objection to Claim 20 be withdrawn.

Claims 1, 2, and 3 were rejected under the judicially created doctrine of obviousness-type double patenting over Claims 2-5, 16, and 17 of co-pending Application No. 10/566,761, and further in view of Wasilewski et al.

A timely filed terminal disclaimer may be used to overcome the provisional double patenting rejection provided that the conflicting application and/or patent is shown to be commonly owned with the present application.

In the present case, as indicated by the Examiner, the conflicting application (10/566,761) is commonly owned with the current application and Applicant may file a terminal disclaimer in due course. It is believed that the amendments to the Claims render the obviousness-type double patenting moot.

Accordingly, Applicant requests that the double patenting rejection be withdrawn.

Claims 1-5, 7-14, 19-20, and 22 were rejected under 35 U.S.C. §102(b) as being

anticipated by Wasilewski et al. (U.S. Patent No. 6,157,719).

Claim 1, as amended herein, recites, *inter alia*, as follows:

> "...wherein the terminal determines whether the one or more applications are
> encrypted; and
>
> wherein a **portion of the AIT contains either (i) a separate file for each
> encrypted application or (ii) a single file for all encrypted applications**."
> (emphasis added)

Wasilewski fails to disclose or suggest "...wherein the terminal determines whether the

one or more applications are encrypted," and/or "wherein a portion of the AIT contains either (i)

a separate file for each encrypted application or (ii) a single file for all encrypted applications," as

recited in amended independent Claim 1.

As understood by Applicant, Wasilewski teaches a cable television system that provides

conditional access to services. The cable television system includes a headend from which

service "instances," or programs, are broadcast and a plurality of set top units for receiving the

instances and selectively decrypting the instances for display to system subscribers. The service

instances are encrypted using public and/or private keys provided by service providers or central

authorization agents. Keys used by the set tops for selective decryption may also be public or

private in nature, and such keys may be reassigned at different times to provide a cable television

system in which piracy concerns are minimized. (Abstract) In particular, in Wasilewski, the

identifying information is used together with the authorization information to determine if

services from a single service provider should be provided to a user (column 9, lines 50-55).

In contrast, in the present disclosure, it is stated that the AIT is either an XML file for

each encrypted application or one XML file that contains information on all the encrypted

applications. Also, only a portion of the AIT is designated for accommodating the encrypted files (e.g., the DSM-CC carousel). Support for such feature(s) can be found at least at page 10, line 29 to page 11, line 2 and page 12, lines 13-19.

Wasilewski clearly does not disclose such features. Upon review of column 31, lines 11-47, Wasilewski discloses storing entitlement information for events. Such events are designated with a descriptor including flags to indicate cost and purchase events executed by a user. There is no AIT table, where a portion of such table is designated for various types of encrypted files, as recited in the amended Claims of the present disclosure.

Independent Claims 19, 20, and 22 include similar limitations to those of Claim 1, and are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claim 1. Accordingly, the withdrawal of the rejection under 35 U.S.C. §102(b) with respect to independent Claims 19, 20, and 22, and allowance thereof are respectfully requested.

Dependent Claims 2-5, and 7-14, are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claim 1. Accordingly, the withdrawal of the rejection under 35 U.S.C. §102(b) with respect to dependent Claims 2-5, and 7-14, and allowance thereof are respectfully requested.

Claims 6 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wasilewski in view of Peng et al. ("Digital Television Application Manager," 2001 IEEE International Conference Multimedia and Expo). The rejection is respectfully traversed.

Peng et al. does not address the deficiencies of Wasilewski with respect to independent Claim 1. Dependent Claims 6 and 15, are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claim 1. Accordingly, the

withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 6 and 15, and allowance thereof are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all Claims presently pending in the application, namely, Claims 1-15, 19-20, and 22, are believed to be in condition for allowance.
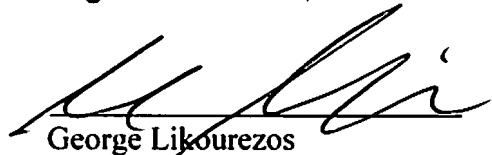
If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully submitted,

Kevin C. Ecker, Esq.
Registration No. 43,600

Date: April 2, 2009

By:

George Likourezos
Reg. No. 40,067
Attorney for Applicant
631-501-5706

**Mail all correspondence to:**
**Kevin C. Ecker, Esq.**
**Senior IP Counsel**
**Philips Electronics North America Corp.**
**P.O. Box 3001**
**Briarcliff Manor, New York 10510-8001**
**Phone: (914) 333-9618**